

REMARKS

I. Status of the Claims

Claims 1-17 were pending at the time of the Action. Claims 2-4 have been canceled and Claims 18-24 are new. Support for new Claims 18-24 can be found, for example, in **Figure 1** and in the Specification at page 5, line 19 – page 6, line 8.

Claim 16 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1-14, 16 and 17 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,089,354 to Hetteger ("Hetteger").

Applicant appreciates the Examiner's indication that Claim 15 would be allowable if rewritten in independent form. However, Applicant has not rewritten Claim 15 in independent form because Applicant respectfully submits that independent Claim 1, as amended, is patentable for at least the reasons that will be described below. Moreover, new independent Claims 19 and 22 are also patentable for at least the reasons that will be described below.

II. Objections to the Abstract

The Abstract has been objected to because of the presence of the term "means". The Abstract has been amended to remove the term "means", and it is requested that the objection to the Abstract be withdrawn.

III. Rejections under 35 U.S.C. § 112

Claim 16 has been amended to address the rejection under § 112, and it is requested that the rejection under § 112 be withdrawn.

IV. The pending claims are patentable over Hetteger

Applicant respectfully submits that Hetteger does not disclose all of the recitations of the claims as required in a rejection under 35 U.S.C. § 102. In particular, anticipation under § 102 requires that each and every element of the claim be found in a single prior art reference. *W. L. Gore & Associates Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). That is, all material elements of a claim must be found in one prior art source. *In re Marshall*, 198 U.S.P.Q. 344 (C.C.P.A 1978). "Anticipation under 35 U.S.C. § 102 requires the

disclosure in a single piece of prior art of each and every limitation of a claimed invention." *Apple Computer Inc. v. Articulate Systems Inc.* 57 USPQ2d 1057, 1061 (Fed. Cir. 2000). A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. *See Scripps Clinic & Research Foundation v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991).

Claim 1 as amended recites as follows:

A stairlift device which comprises a chair, substantially linear guide means, transporting means, and attachment means, said attachment means being adapted to enable the guide means to be attached to a section of a vehicle, thereby allowing for operation of the stairlift device whilst in attachment to the vehicle, the chair being movable along the guide means by the transporting means when the device is in operation

In contrast, Hetteger proposes a forklift having forks 1 on a gantry 2 that is mounted on a chassis 4 at a hinge point 20. As shown in **Figure 1** of Hetteger, the hinge point 20 attaches to the gantry 2 at the lower end of the gantry 2 such that the forks 1 lift away from the hinge point 20. The hinge point 20 is attached to guide rails 3 that can be affixed to a vehicle. Hetteger discusses that the forklift configuration in Hetteger can provide a foldable forklift. *See* col. 1, lines 15-20. The gantry 2 can traverse along the guide rails 3 in the longitudinal direction of the fork lift or lay flat for the purpose of transportation by pivoting around the hinge point 20. *See* col. 2, lines 11-21.

Hetteger clearly does not disclose a chair as recited in Claim 1. Therefore, Applicant requests that the rejection under § 102 be withdrawn.

In addition, there is no motivation to modify Hetteger to provide a chair in the configuration recited in Claim 1. The purpose of Hetteger is to provide a foldable forklift such that the gantry 2 and the forks 1 can be folded into a transporting position. *See* col. 1, lines 15-20. Therefore, a chair would appear to hinder the purpose of Hetteger. Therefore, Claim 1 is also patentable under § 103.

New Claim 18 depends from Claim 1 and is also patentable for the reasons discussed above. Claim 18 is also independently patentable. Claim 18 recites that the chair includes armrests. Applicant submits that this feature is not taught or suggested by Hetteger.

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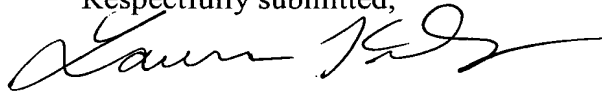
New independent Claim 19 recites that "that a passenger is lifted by the transporting means towards the attachment means." Hetteger does not teach or suggest such a configuration, and in fact, is configured such that, even if a passenger were able to be conveyed by the forks 1, the passenger, when lifted, would be conveyed away from the attachment means. As such, Claim 19 and Claims 20 and 21 depending therefrom are patentable over the cited reference.

New independent Claim 22 recites that the substantially linear guide means has "a first end and a second end" and the attachment means is "positioned at the first end of the guide means" and the second end of the guide means is "configured to rest on a supportive surface shared by the vehicle." These features are not taught or suggested by Hetteger, which is configured such that its "second end" (*i.e.* the end that is not attached to the vehicle) is not intended to rest on the supportive surface underlying the vehicle. Accordingly, Claim 22 and Claims 23 and 24 depending therefrom are patentable over the cited reference.

V. **Conclusion**

In light of the above amendments and remarks, Applicant submits that the pending claims are patentable over the cited reference. Accordingly, Applicants respectfully request allowance of the present application and passing the application to issue.

Respectfully submitted,



Laura M. Kelley
Registration No. 48,441

Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, NC 27627
Telephone (919) 854-1400
Facsimile (919) 854-1401

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